



An  
Bord  
Pleanála

## Inspector's Report ABP 307000-20

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<b>Development</b>	Demolish out buildings, erect new building with garage/study, erect a granny flat and update an existing DWWTs.
<b>Location</b>	Coolakip, Edermine, County Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20191561
<b>Applicant(s)</b>	Kenneth and Alice Kavanagh.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant(s)</b>	Kenneth and Alice Kavanagh.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> June 2020
<b>Inspector</b>	Hugh Mannion

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## 1.2. **Site Location and Description**

1.3. The application site has a stated area of 1.6ha and accommodates a dwelling house and outbuildings at Coolakip, Edermine, Enniscorthy, County Wexford. The site is about 2.5kms east of Oilgate in a rural area. There is a good deal of housing development not obviously associated with agricultural uses in the area. The public road in the vicinity of the site entrance is relatively narrow, is without a median line, footpaths or public lighting.

## 2.0 **Proposed Development**

2.1. The proposed development comprises

- demolition of an existing outbuilding and replacement within the footprint of the existing outbuilding with a garage and study,
- demolition of an existing outbuilding and erection of a granny flat.
- an upgraded DWWTS.

All at Coolakip, Edermine, County Wexford.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision – Refuse permission**

The proposed development would contravene section 18.13.3 of the Wexford County Development Plan in relation to self-contained residential units for use by family members.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The planner's report recommended refusal as set out in the managers order.

#### 3.2.2. Other Technical Reports

The **Environment Section** recommended requesting additional information in relation to the proposed DWWTS. Subsequent to the receipt of the additional information the section recommended a grant of planning permission subject to conditions.

#### 4.0 **Planning History**

The existing house on site as granted permission in under planning reference 20020140 in 2002.

#### 5.0 **Policy and Context**

##### 5.1. **Development Plan**

5.2. Wexford County Development Plan 2013-2019 is the relevant County Development Plan.

5.3. Section 18.13.3 Self-contained Residential Unit for use by a Family Member.

5.4. The Council will consider the provision of self-contained residential unit for occupation by a family member. The self-contained unit should be connected to the main dwelling house and be designed so that it can be incorporated into the main dwelling house when its use as a self-contained unit is no longer required. The Council may consider the provision of a detached self-contained unit where the need for such a unit is demonstrated. The Council will require the following:

- Details of the need/occupant of the unit
- Need for a detached unit, where applicable
- The unit should not consist of more than a combined kitchen/dining/living area, a WC bathroom and no more than two bedrooms
- Vehicular access to the unit shall be shared with the main dwelling house
- Private open space shall be shared with the main dwelling house
- Required separation distances from wastewater treatment systems shall be achieved.

## 5.5. **Objective WW06**

To permit the provision of private wastewater treatment facilities to serve a single dwelling house only where it demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2009) and subject to complying with the provisions and objectives of the EU Water Framework Directive, relevant River Basin Management Plan, relevant Pollution Reduction Programmes for Shellfish Waters and the Habitats Directive. An annual renewed contract for the management and maintenance of the system contracted to a reputable company/person will be required; details of which shall be submitted to the Planning Authority.

## 5.6. **Natural Heritage Designations**

Not relevant.

## 5.7. **EIA Screening**

5.8. Having regard to the minor scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- The additional granny flat accommodation is necessary to accommodate family members and soon the applicant's elderly parents.
- The new residential unit will share water supply, wastewater system and electricity, open space and vehicular access with the existing house on site.
- The existing house on site does not readily lend itself to extension and the proposed arrangement will reflect a traditional courtyard arrangement.

- The car port/private hobby space was also refused permission although it is a modest development well screened from the public road.

## 6.2. **Planning Authority Response**

- The applicant has not justified the need for an art working area/car port.
- The applicant has not provided evidence to justify a free-standing granny flat.
- The application does not meet the criteria set out at section 18.13.3 of the County Development Plan.

## 6.3. **Observations**

- None

## 7.0 **Assessment**

7.1. There are three elements to the proposed development.

- demolition of an existing outbuilding and erection of a garage and study,
- demolition of an existing outbuilding and erection of a granny flat.
- an upgraded DWWTS.

### 7.2. **The garage/study.**

7.3. The existing house on site is about 250m<sup>2</sup>, with three bedrooms on the first floor and kitchen/dining and living room, study/office at ground level.

7.4. The proposed garage/study comprises a car port at ground level and study at first floor. In the applicant's response to the request for additional information the applicant responded to a query on the nature of the proposed use of the study to say that it would be used as non-commercial artist's studio in connection with the applicants hobby interests and will not provide separate sanitary facilities.

7.5. The first-floor study has a floor area of 32.4m<sup>2</sup>, the stairs take up about 10m<sup>2</sup> and the ground floor garage/car port is about 42m<sup>2</sup>. Having regard to the relatively modest scale and the proposed use of this building I consider that it will not injure the

amenity of the area, or neighbouring property and will accord with the provisions of the County Development Plan.

**7.6. The Granny Flat.**

- 7.7. The proposed granny flat will be constructed largely within the footprint of an existing outbuilding and reusing some of the original building materials. The appeal makes the point that the new accommodation is required initially by an immediate family member and subsequently by elderly relatives of the applicant. The appeal makes a further point that the existing main house on site is unsuitable for further extension. The planning authority responded to the appeal to say that insufficient justification for a free-standing granny flat has been provided by the applicant.
- 7.8. The Wexford County Development Plan 2013-2019<sup>1</sup> at section 18.13.3 makes provision for applications for self-contained residential units for use by a family member but such units should normally be connected to the main dwelling house and be designed so that it can be incorporated into the main house when its use as a self-contained unit is no longer required. This is a reasonable requirement aimed at preventing a proliferation of smaller substandard residential units.
- 7.9. Nevertheless the development plan states that planning authority will consider a detached self-contained residential unit where the need for such a unit is demonstrated, where the scale of the unit is limited to a combined kitchen/dining/living area, a WC bathroom and no more than two bedrooms, where vehicular access, private open space and a DWWTS can be shared with the main dwelling house.
- 7.10. The applicant makes a reasonable case that an immediate family member will use the new unit initially and it will then accommodate elderly parents. I consider that a condition can be attached requiring that the granny flat not be sold or otherwise alienated from the main house on site which will ensure the basic requirement that it remains as accommodation for family members.
- 7.11. The internal layout of two bedrooms, sanitary facilities and a kitchen/dining/living room meets the Development Plan requirements in this regard. The proposed

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<sup>1</sup> The lifetime of the CDP has been extended to at least end of 2020.

development shares an existing access to the public road and the private open space associated the main house. I conclude therefore that proposed development, subject to a condition limiting the use of the unit to family members, will meet the County Development Plan criteria for granny flats.

**7.12. Domestic Wastewater Treatment.**

7.13. Potable water is available from the public mains.

7.14. There is an existing wastewater treatment system on site, and it is proposed to drain the new granny flat and the existing house to an upgraded system. The layout of the system is illustrated on the site plan submitted to the planning authority in the 21<sup>st</sup> February 2020. The planning authority's Environment Section reviewed the application and was satisfied that the nature of the subsoil within the site confirmed the site's suitability for disposal of domestic effluent and referenced in support of this conclusion that two previous applications in the vicinity demonstrated the same basic site suitability for the disposal of domestic effluent.

7.15. The Environment Section however was concerned that the proposed percolation area was not sized to reflect the pe of the combined the existing house and the proposed grant flat. This matter was raised as a request for further information with the applicant.

7.16. The applicant was asked to provide a detailed design of the DWWTS reflecting the domestic effluent treatment requirements of both the main house and proposed granny flat. In response the applicant stated that the T value on site is 6 which is within the acceptable range provided for in Table 6.3 of the EPA Code of Practice for DWWTS and the that separation distances from site boundaries and potential receptors can be maintained. Additionally, the water table was high at 1.3m and to accommodate this a proprietary treatment system and raised percolation area is proposed.

7.17. The Environment Section reviewed the additional information and accepted the pe of 9 as accurate and recommended a grant of permission subject to a condition that the proposed development meet the standards of the EPA Code of Practice. Having regard to the existing and permitted uses on site, to the modest scale of the proposed additional accommodation, the material submitted with the application and appeal and subject to the conditions set out below I conclude that the proposed



development will not endanger public health or give rise to risk of groundwater or surface after pollution.

#### 7.18. **Appropriate Assessment – Screening**

7.19. Having regard to the modest scale of the proposed development it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site.

### 8.0 **Recommendation**

8.1. I recommend that permission be granted.

### 9.0 **Reasons and Considerations**

The Wexford County Development Plan 2016 to 2019 (lifetime extended) makes provision for self-contained residential units for use by a family member subject to certain criteria. Having regard to the permitted residential use on site and the nature and scale of the proposed garage/study and granny flat and subject to the conditions set out below it is considered that the proposed development would accord with the provisions of the County Development Plan in relation to self-contained residential units for use by a family member, would not be prejudicial to public health or give rise to risk of water pollution and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

### 10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 21 <sup>st</sup> day of February 2020 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed granny flat shall be used solely for that purpose, and shall not be sold, let or otherwise transferred or conveyed, save as part of the main dwelling on the application site.</p> <p><b>Reason:</b> To restrict the use of the of the granny flat in order to comply with the objectives of the current Development Plan for the area.</p>
3.	<p>The external finishes of the proposed garage/study and granny flat shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of “Wastewater Treatment Manual – Treatment Systems for Single Houses” – Environmental Protection Agency (2009).</p> <p>c) Within three months of the first occupation of the granny flat, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.</p>

	<p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Hugh Mannion  
Senior Planning Inspector

30<sup>th</sup> June 2020